

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE ENROLLED ACT No. 1687

AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 13-11-2-177.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 177.3. "Public water system" for purposes of IC 13-18-21-22 through IC 13-18-21-29, means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances that:

(1) has at least fifteen (15) service connections; or

(2) regularly serves at least twenty-five (25) individuals.

has the meaning set forth in 42 U.S.C. 300f.

SECTION 2. IC 13-11-2-263 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 263. (a) "Water supply system", for purposes of IC 13-18-11 and environmental management laws, means the system of wells, pumps, structures, pipes, and facilities, **and other constructed conveyances** through which water is obtained, treated as required, and supplied through a water distribution system ~~for sale to~~ to the public for ~~domestic and other uses~~: **human consumption.**

(b) The term includes state owned facilities even though the water may not be sold to the public.

SECTION 3. IC 13-18-16-16 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
 Sec. 16. (a) A nonprofit water utility may adopt a resolution approved by its board of directors under this section that reconstitutes the nonprofit water utility as a water authority to be named as provided in the resolution.

(b) A resolution adopted under this section must allow:

- (1) the structure of the board of directors; and
- (2) the rules governing the water authority;

to remain the same as those applicable to the nonprofit water utility.

(c) The water authority shall retain all its powers, **privileges, rights, and exemptions** as a nonprofit water utility under:

- (1) its existing bylaws and articles; and
- (2) all laws applicable to nonprofit water utilities and local water corporations, **including powers granted under IC 32-11-3-1.**

(d) A water authority constituted under this section is a political subdivision of the state.

(e) A copy of a resolution adopted under this section must be filed with the secretary of state. When the secretary of state receives a copy of a resolution under this subsection, the secretary of state shall dissolve the corporate status of the nonprofit water utility for purposes of state law.

(f) A water authority constituted under this section shall:

- (1) remain obligated under any existing contracts or agreements; and
- (2) remain obligated and assume the indebtedness;

of the nonprofit water utility.

(g) Notwithstanding any other law and subject to subsection (h), a water authority constituted under this section is subject only to the laws applicable to nonprofit water utilities and local water corporations.

(h) A water authority constituted under this section is subject to IC 8-1.5-3-8 for purposes of setting rates and charges.

SECTION 4. An emergency is declared for this act.

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